

REMARKS/ARGUMENTS

In the Office action dated August 9, 2006, the Examiner rejected claims 1, 2, 4-6, 8 and 10-12 under 35 U.S. C. § 102(b) as being anticipated by U. S. Patent No. 6,427,120 B1 to Garin *et al.* Claims 7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over '120 in view of U. S. Patent No. 5,724,316 to Brunts. Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over '120 in view of U. S. Patent No. 6,009,130 to Lurey *et al.*

In the Specification, no changes

In the Claims, claims 1 and 8 are amended

The Invention

The invention is a method of setting an internal clock in a GPS-equipped mobile communication device when the mobile communication device is not in a digital service area. The method of the invention includes powering-up the mobile communication device; determining whether digital service is available, and, if digital service is not available, activating a GPS receiver in the mobile communication device and detecting a GPS time signal from any GPS satellite. The internal clock in the communication device is then set from the GPS time signal.

The Applied Art

U. S. Patent No. 6,427,120 B1, cited by Applicant, describes use of GPS signals in a mobile phone network.

U. S. Patent No. 5,724,316 describes use of GPS in an automobile.

U. S. Patent No. 6,009,130 describes a scanner.

The Claims

Claim 1 has been amended to clarify that the internal clock in the mobile communication device (MCD) is set from the GPS time signal. The MCD of the invention does not have a constantly activated GPS receiver. The MCD activates the GPS receiver for adjusting the MCD clock only if a digital service signal is not detected. This is described on page 5 of the Specification as filed, lines 3-5. The Examiner applied the '120 reference under 35 U.S. C. § 102(b), however, it still appears from the '120 reference that the system of that reference works somewhat opposite to the method of the invention. Specifically, in col 6, lines 34-44, '120 acquires plural GPS signals to determine its location, which is what the GPS system is intended to do. The Examiner is correct in that such GPS signals will include a time signal, however, it also appears that the '120 device always has a "live" GPS receives, whereas the method of the invention incorporates a switchable GPS receiver which is activated only upon non-receipt of a digital service signal. There is no such provision taught or suggested in '120, as noted by the Examiner on page 2, para 3 of the Office action.

'120, col. 5, lines 54-65, describes use of a GPS signal from a data center, but does not relate the use of the GPS time signal to the absence of a digital service signal - which, of course, would not work at all, *e.g.*, if there is not digital service signal in '120, it cannot relay the GPS information. This is where '120 is the reverse of the method of the invention, because, if the MCD of '120 cannot receive a GPS signal, one is sent to it from a central facility, whereas if the MCD of the method of the invention cannot receive a digital service signal, it activates its

GPS receiver to determine a proper time setting.

Claim 1 is allowable over the applied art because the applied art does not teach nor suggest (1) activating a GPS receiver in a MCD when digital service is not present, and (2) setting an internal clock in the MCD from the GPS time signal. To anticipate the application of Bruns, U.S. Patent No. 5,724,316 in combination with '120 in a 35 U.S.C. § 103(a) rejection, the combination of '120 and '316 do not teach activating a GPS receiver in a MCD when digital service is not present. Although the GPS receiver may be activated in the MCD by the user, it is only when digital service is not available that the MCD activates the GPS receiver.

Claims 2-7 are allowable with their allowable parent claim.

Claim 8 is allowable for the reasons set forth in connection with claim 1.

Claims 9-13 are allowable with their allowable parent claim.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections state in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge

any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

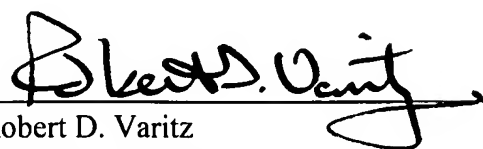
Customer Number

Respectfully Submitted,

55376

ROBERT D. VARITZ, P.C.

Registration No: 31436
Telephone: 503-720-1983
Facsimile: 503-233-7730


Robert D. Varitz
4915 S.E. 33d Place
Portland, Oregon 97202

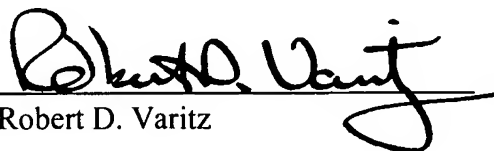
CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.
Date of Deposit - November 6, 2006

EV879840522US

I hereby certify that the attached PRELIMINARY AMENDMENT IN SUPPORT OF RCE UNDER 37 C.F.R. § 1.111 and a PTO-2038 credit card authorization form in the amount of \$ 790.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Robert D. Varitz